



UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

June 2022 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELLOURTH ELADIO SIMON,
aka "Negro," and
WILLIAM NIRION PENA,
aka "Twist,"

Defendants.

CR 2:22-cr-00366-GW

I N D I C T M E N T

[18 U.S.C. § 371: Conspiracy; 18 U.S.C. § 922(a)(1)(A): Engaging in the Business of Dealing in Firearms Without a License; 18 U.S.C. § 922(o)(1): Possession of a Machinegun; 26 U.S.C. § 5861(d): Possession of Unregistered Firearms; 26 U.S.C. § 5861(i): Possession of Firearms Without Serial Numbers]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 371]

[ALL DEFENDANTS]

A. INTRODUCTORY ALLEGATIONS

At times relevant to this Indictment, defendants ELLOURTH ELADIO SIMON, also known as ("aka") "Negro," and WILLIAM NIRION PENA, aka "Twist," did not have a federal firearms license issued by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"),

1 and thus were not licensed to import, manufacture, or deal in
2 firearms.

3 B. OBJECT OF THE CONSPIRACY

4 Beginning on a date unknown to the Grand Jury, but no later than
5 on or about December 10, 2021, and continuing until at least January
6 5, 2022, in Los Angeles County, within the Central District of
7 California, and elsewhere, defendants SIMON and PENA, together with
8 others known and unknown to the Grand Jury, conspired and agreed with
9 each other to knowingly and intentionally engage in the business of
10 dealing in firearms without a license, in violation of Title 18,
11 United States Code, Section 922(a)(1)(A).

12 C. MANNER AND MEANS OF THE CONSPIRACY

13 The object of the conspiracy was to be accomplished, in
14 substance, as follows:

15 1. Defendants SIMON and PENA would arrange to sell firearms to
16 customers.

17 2. Defendant PENA would send photographs of firearms for sale
18 and prices for those firearms to defendant SIMON, and defendant SIMON
19 would pass on this information to customers.

20 3. Defendant SIMON would sell firearms to customers.

21 4. Defendant SIMON would collect money in exchange for the
22 firearms.

23 D. OVERT ACTS

24 In furtherance of the conspiracy and to accomplish its object,
25 on or about the following dates, defendants SIMON and PENA, and
26 others known and unknown to the Grand Jury, committed various overt
27 acts within the Central District of California, and elsewhere,
28 including, but not limited to, the following:

1 Overt Act No. 1: On December 10, 2021, defendants PENA and
2 SIMON exchanged text messages about the firearms defendant SIMON
3 would sell to a person he believed to be a firearms customer, but who
4 was, in fact, undercover ATF agent ("UC"). In those messages,
5 defendant PENA sent to defendant SIMON photographs and prices of the
6 guns they intended to sell to the UC.

7 Overt Act No. 2: Between December 10, 2021 and December 15,
8 2021, defendant SIMON sent text messages to the UC, including the
9 firearms photographs and prices that defendant PENA had previously
10 sent to defendant SIMON.

11 Overt Act No. 3: Between December 10, 2021 and December 15,
12 2021, defendant SIMON arranged to sell firearms to the UC on December
13 15, 2021.

14 Overt Act No. 4: On December 15, 2021, at a grocery store
15 parking lot in Los Angeles, California, defendant SIMON sold the
16 following firearms to the UC in exchange for \$15,000: (1) a Sig
17 Sauer, model P320, 9mm handgun bearing serial number 58J226841;
18 (2) an HS Produkt, model Hellcat, 9mm handgun bearing serial number
19 BY132517; (3) a Kimber, model Micro 9, 9mm handgun bearing serial
20 number STB0002340; (4) a Ceska Zbrojovka, model CZ75 D Compact, 9mm
21 pistol bearing serial number D012391; (5) a Ceska Zbrojovka, model
22 CZ75 B, 9mm pistol bearing serial number E094930; (6) a Canik55,
23 model TP-9SF, 9mm handgun bearing serial number 21AT05690; and (7) a
24 Smith & Wesson, model SD40VE, .40 caliber handgun with an obliterated
25 serial number.

26 Overt Act No. 5: Between December 21, 2021 and January 2,
27 2022, defendants PENA and SIMON exchanged text messages about the
28 firearms defendant SIMON would sell to the UC. In those messages,

1 defendant PENA sent to defendant SIMON photographs and prices of the
2 guns they intended to sell to the UC.

3 Overt Act No. 6: Between December 21, 2021 and January 2,
4 2022, defendant SIMON sent messages to the UC, including the firearms
5 photographs and prices that defendant PENA had previously sent to
6 defendant SIMON.

7 Overt Act No. 7: Between December 21, 2021 and January 5,
8 2022, defendant SIMON arranged to sell firearms to the UC on January
9 5, 2022.

10 Overt Act No. 8: On January 5, 2022, at a grocery store
11 parking lot in Los Angeles, California, defendant SIMON sold the
12 following firearms to the UC in exchange for \$6,000: (1) a Kimber,
13 model Micro Carry, .380 caliber pistol bearing serial number
14 T0016049; and (2) two firearm silencers of unknown manufacturer.

COUNT TWO

[18 U.S.C. § 922(a)(1)(A)]

[DEFENDANT SIMON]

Beginning on an unknown date, but no later than on or about September 9, 2021, and continuing through at least on or about January 13, 2022, in Los Angeles County, within the Central District of California, and elsewhere, defendant ELLOURTH ELADIO SIMON, also known as "Negro," not being licensed as an importer, manufacturer, or dealer of firearms, willfully engaged in the business of dealing in firearms, specifically, the sales of the following firearms, including a firearm of unknown manufacture and bearing no legitimate manufacturer's mark or serial number (commonly referred to as a "ghost gun" and a "privately made firearm"), on or about the following dates:

DATE	FIREARM(S)
October 7, 2021	A Glock, model 17, 9mm pistol bearing serial number RSS507, with conversion sear of unknown manufacture and bearing no legitimate manufacturer's mark or serial number
October 21, 2021	A Sig Sauer, model P365, 9mm pistol bearing serial number 66B279658
November 2, 2021	a. An Anderson Manufacturing, model AM-15, multi-caliber rifle bearing serial number 17003530 b. A Ruger, model Ruger 57, 5.7x28mm caliber handgun bearing serial number 641-31493

DATE	FIREARM(S)
November 10, 2021	<p>a. An FNH USA, model Five-Seven, 5.7 x 28 caliber pistol, bearing serial number 386394729</p> <p>b. A Ceska Zbrojovka, model CZ75 P-07 DUTY, 9mm handgun bearing serial number B391292</p> <p>c. An AR-type rifle capable of firing .223 caliber ammunition, bearing no legitimate manufacturer's mark or serial number</p> <p>d. An SCCY Industries, model CPX-2, 9mm handgun bearing serial number 941917</p> <p>e. A Springfield Armory, model XD-S, .45 caliber handgun bearing serial number S3135840</p>
November 23, 2021	<p>a. A Smith & Wesson, model M&P M2.0, 9mm handgun bearing serial number NDM8870</p> <p>b. A Kimber, model Micro 9, 9mm handgun bearing serial number PB0313240</p> <p>c. A Springfield Armory, model 911, .380 caliber pistol bearing serial number CC101203</p> <p>d. A Glock, model 43X, 9mm handgun bearing serial number BPBB097</p>

DATE	FIREARM(S)
December 15, 2021	<p>a. A Sig Sauer, model P320, 9mm handgun bearing serial number 58J226841</p> <p>b. A Ruger, model EC9S, 9mm handgun bearing serial number 61-08440</p> <p>c. An HS Produkt, model Hellcat, 9mm handgun bearing serial number BY132517</p> <p>d. A Kimber, model Micro 9, 9mm handgun bearing serial number STB0002340</p> <p>e. A Ceska Zbrojovka, model CZ75 D Compact, 9mm pistol bearing serial number D012391</p> <p>f. A Ceska Zbrojovka, model CZ75 B, 9mm pistol bearing serial number E094930</p> <p>g. A Canik55, model TP-9SF, 9mm handgun bearing serial number 21AT05690</p> <p>h. A Kimber, model Hero Custom II, .45 caliber handgun bearing serial number K805312</p> <p>i. A Smith & Wesson, model SD40VE, .40 caliber handgun with an obliterated serial number</p>
January 5, 2022	A Kimber, model Micro Carry, .380 caliber pistol bearing serial number T0016049
January 13, 2022	A Smith & Wesson, model M&P 40 Shield, 40 caliber handgun, bearing serial number HSX4758

COUNT THREE

[18 U.S.C. § 922(o)(1)]

[DEFENDANT SIMON]

On or about October 7, 2021, in Los Angeles County, within the Central District of California, and elsewhere, defendant ELLOURTH ELADIO SIMON, also known as "Negro," knowingly possessed a machinegun, as defined in Title 18, United States Code, Section 921(a)(23), and Title 26, United States Code, Section 5845(b), that defendant SIMON knew to be a machinegun, namely, a Glock, model 17, 9mm pistol, bearing serial number RSS507, with attached machinegun conversion device (also known as an "auto sear") that was a part designed and intended solely and exclusively, and a combination of parts designed and intended, for use in converting a weapon into a machinegun.

COUNTS FOUR AND FIVE

[26 U.S.C. § 5861(d)]

[DEFENDANT SIMON]

On or about the following dates, in Los Angeles County, within the Central District of California, defendant ELLOURTH ELADIO SIMON, also known as "Negro," knowingly possessed the following firearms, each of which defendant SIMON knew to be a firearm and silencer, as defined in Title 26, United States Code, Section 5845(a)(7), and Title 18, United States Code, Section 921(a)(24), and each of which had not been registered to defendant SIMON in the National Firearms Registration and Transfer Record, as required by Title 26, United States Code, Chapter 53:

COUNT	DATE	FIREARM
FOUR	January 5, 2022	a silver firearm silencer of unknown manufacturer lacking a serial number
FIVE	January 5, 2022	a silver firearm silencer of unknown manufacturer lacking a serial number

COUNTS SIX AND SEVEN

[26 U.S.C. § 5861(i)]

[DEFENDANT SIMON]

On or about the following dates, in Los Angeles County, within the Central District of California, defendant ELLOURTH ELADIO SIMON, also known as "Negro," knowingly possessed the following firearms, each of which defendant SIMON knew to each be a firearm and silencer, as defined in Title 26, United States Code, Section 5845(a)(7), and

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Title 18, United States Code, Section 921(a)(24), and each of which was not identified by a serial number, as required by Title 26, United States Code, Chapter 53:

COUNT	DATE	FIREARM
SIX	January 5, 2022	a silver firearm silencer of unknown manufacturer lacking a serial number
SEVEN	January 5, 2022	A silver firearm silencer of unknown manufacturer lacking a serial number

A TRUE BILL

Foreperson

STEPHANIE S. CHRISTENSEN
Acting United States Attorney



SCOTT M. GARRINGER
Assistant United States Attorney
Chief, Criminal Division

JOANNA M. CURTIS
Assistant United States Attorney
Chief, Violent and Organized
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SARA B. MILSTEIN
Assistant United States Attorney
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